

## Remarks

### **1. Summary of the Office Action**

In the office action mailed March 29, 2007, the Examiner objected to claims 7, 9, and 13 on grounds of various informalities. In addition, the Examiner rejected claims 1-7, 11-13, and 16-19 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Pub. No. 2003/019088 (Mangal), the Examiner rejected claims 9 and 10 under 35 U.S.C. § 103(a) as being allegedly obvious over Mangal in view of U.S. Patent No. 6,447,150 (Maggenti), and the Examiner rejected claims 8, 14, 15, and 21 under 35 U.S.C. § 103(a) as being allegedly obvious over Mangal in view of U.S. Patent No. 7,020,098 (Ehrsam).

### **2. Response to Claim Objections**

The Examiner objected to claim 7 on grounds that the claim recited "incoming packet-data" without the article "the". Applicant submits that the form of claim 7 is acceptable and understandable as is. Claim 7 defines the claim 6 limitation of "determining that the client station has received incoming packet-data." That limitation of claim 6 does not refer to receiving particular incoming packet-data but rather refers to receiving incoming packet-data as a general matter. Inserting the word "the" before "incoming packet-data" in claim 7 would suggest that the incoming packet-data needs to be some particular packet-data, but that is not the case in either claim 6 or claim 7. Therefore, Applicant submits that claim 7 is in proper form as is.

The Examiner similarly objected to claim 9 on grounds that the claim stated "media" without the article "the". Applicant has amended claim 9 to state "the media" instead, although Applicant submits that this amendment should not be read to change the scope or meaning of the claim in any way, as no such change is intended and no particular media is referenced.

The Examiner similarly objected to claim 13 on grounds that the claim recited "receiving into a client station a user-request to initiate a real-time media session" without the article "the",

while its parent claim 11 already recited "a client station", "a user-request" and "a real-time media session". Applicant has amended claim 9 to recite "receiving into the client station the user-request to initiate the real-time media session" instead, although Applicant submits that this amendment should not be read to change the scope or meaning of the claim in any way, as no such change is intended.

### **3. Response to § 102 Rejections**

As noted above, the Examiner rejected claims 1-7, 11-13, and 16-19 as being allegedly anticipated by Mangal. Applicant submits that this rejection is improper and should be withdrawn, because Mangal does not teach (expressly or inherently) the combination of the claim elements set forth in any of these claims.

Mangal teaches waiting until a transmission path exists to *send* any buffered media. However, Mangal does not teach waiting for a data connection to exist before beginning to buffer in the first place.

More particularly, Mangal does not teach the client station beginning to buffer in response to a determination that the client station has acquired a data connection through which to initiate the requested real-time media session, as in claims 1-7. Further, Mangal does not teach in combination the client station seeking to acquire a data connection over which to send the packet-based session initiation message, receiving a packet-based signaling message sent in response to the packet-based session initiation message, and in response to receipt of the packet-based signaling message, beginning to receive and buffer media from a user, as in claims 11-13. And Mangal does not teach the client station beginning to buffer media in response to a determination that the client station has acquired a data connection, as in claims 16-19.

In rejecting the claims as being allegedly anticipated by Mangal, the Examiner did not point to any teaching in Mangal of these "response" elements of Applicant's claims, because the elements are not taught by Mangal. Rather, in alleged support of the assertion that Mangal teaches "in response to a determination that the client station has acquired the incoming packet-based signaling message. . . for the data connection, the client station beginning to buffer a digital representation of voice and video . . . provided by the user," the Examiner merely cited paragraphs 0027, 0113, 0102, and 0103 of Mangal. A review of those paragraphs, however, reveals no teaching of this function.

Paragraph 0027 teaches that once a mobile station acquires a traffic channel, it can then begin communicating with the PTT server. Paragraph 0102 teaches that the mobile station begins to buffer the user's speech after the user presses a PTT button, that the mobile station seeks to acquire a traffic channel, and that, consistent with the teaching of paragraph 0027, the mobile station then communicates with the PTT server to establish a PTT session. Paragraphs 0103 and 0113 then teach that the mobile station can buffer media until a transmission path exists over which to send the buffered media. None of this disclosure amounts the mobile station waiting for a data connection to exist before the mobile station begins to buffer in the first place.

Because Mangal does not teach the combination of elements of any of claims 1-7, 11-13, and 16-19, Mangal does not anticipate any of these claims. Therefore, Applicant submits that claims 1-7, 11-13, and 16-19 are allowable.

#### **4. Response to § 103 Rejection Over Mangal / Maggenti**

As additionally noted above, the Examiner rejected claims 9 and 10 under 35 U.S.C. § 103(a) as being allegedly obvious over Mangal in view of Maggenti. Applicant submits that this

rejection is improper and should be withdrawn, since Mangal does not disclose the combination of elements that the Examiner asserted Mangal discloses.

Furthermore, Applicant submits that this rejection is improper and should be withdrawn, since Mangal is disqualified as prior art under 35 U.S.C. § 103(c). In particular, at the time the present invention was made, both the present invention and the Mangal patent application were commonly owned or subject to an obligation of assignment to the same person. Namely, at the time the present invention was made, both the present invention and the Mangal application were assigned or subject to an obligation of assignment to Sprint Spectrum L.P. Accordingly, Mangal is disqualified as prior art under 35 U.S.C. § 103(c).

Since Mangal does not teach the elements that the Examiner asserted Mangal teaches and since Mangal is disqualified as prior art, a *prima facie* case of obviousness of claims 9 and 10 does not exist. Consequently, Applicants submit that claims 9 and 10 are allowable.

#### **5. Response to § 103 Rejection Over Mangal / Ehram**

As additionally noted above, the Examiner rejected claims 8, 14, 15, and 21 under 35 U.S.C. § 103(a) as being allegedly obvious over Mangal in view of Ehram. Applicant submits that this rejection is improper and should be withdrawn, since Mangal does not disclose the combination of elements that the Examiner asserted Mangal discloses.

Furthermore, Applicant submits that this rejection is improper and should be withdrawn, since both Mangal and Ehram are disqualified as prior art under 35 U.S.C. § 103(c). Mangal is disqualified as prior art for the reasons discussed above. Additionally, at the time the present invention was made, both the present invention and the Ehram patent application were commonly owned or subject to an obligation of assignment to the same person. Namely, at the time the present invention was made, both the present invention and the Ehram application were

assigned or subject to an obligation of assignment to Sprint Spectrum L.P. Accordingly, Ehram is disqualified as prior art under 35 U.S.C. § 103(c).

Since Mangal does not teach the elements that the Examiner asserted Mangal teaches and since Mangal and Ehram are disqualified as prior art, a *prima facie* case of obviousness of claims 8, 14, 15, and 21 does not exist. Consequently, Applicants submit that claims 8, 14, 15, and 21 are allowable.

## **6. Conclusion**

For the foregoing reasons, Applicant submits that all of the pending claims are allowable. Therefore, Applicant respectfully requests favorable reconsideration.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,

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